

Excerpts
Planning Commission Minutes
January 12, 2005

Application No. UP-655-05, FF Acquisition, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162). The proposed gas pumps would be accessory to the existing Farm Fresh grocery store. The property, further identified as Assessor's Parcel No. 10-5-2, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, summarized the staff report to the Commission dated December 29, 2004, in which the staff recommended approval.

Mr. Barba inquired if the proposed gasoline tanks would have to be removed if Farm Fresh suspended the gasoline sales operation while the grocery store continued to operate, and **Mr. Cross** confirmed that to be the case.

Chair Simasek opened the public hearing.

Thomas C. Kleine, Esq., Troutman Sanders Attorneys, 808 Denham Arch, Chesapeake, Virginia, represented the applicant. **Mr. Kleine** said he has worked closely with County staff to develop the proposal. He said the portion of the present parking lot that is recommended for gasoline sales is not heavily utilized. He anticipated no adverse impact on traffic flow in the vicinity, and said all abutting property owners were notified and none have expressed concerns. **Mr. Kleine** is working with staff to upgrade the existing pylon sign. Proposed amenities include high quality exterior and interior materials with the exterior of the attendant's building the same brick as the renovated portion of the Farm Fresh building; opportunity for Farm Fresh customers to purchase gasoline at reduced prices; and improved circulation in the parking lot.

Mr. Ptasznik inquired about minimum distance required between the gasoline pumps and the main store, and **Mr. Kleine** said that is governed by County setback requirements and will be observed.

Mr. Davis complimented the applicants on the quality of the proposed attendant's building. He asked if Commonwealth Associates was a partner to this application, to which **Mr. Kleine** explained it was not, that FF Acquisition, L.L.C. is involved in the acquisition and operation of Farm Fresh stores.

Mr. Davis asked if the applicant had considered installing an emergency generator in case of power outages, to which **Mr. Kleine** said that has not been contemplated nor was it included during the period of Farm Fresh's leasing of the site, but was not out of the question if required. **Mr. Simasek** noted there is a Citgo station nearby with a generator.

Mr. Simasek wondered if the parking was adequate. Because of heavy traffic and a parking lot divided by the access road, parking can be very inconvenient at the existing Farm Fresh store, he added.

Mr. Michael Perry, 317 Constance Drive, Chesapeake, engineer for the project, said he was currently involved in plans to improve traffic circulation in front of the Farm Fresh store, including possibly re-striping some spaces behind the building to allow for employee parking, thus freeing up some spaces in front. He explained he is involved only with the Farm Fresh part of the building, not the entire shopping center.

Mr. Simasek asked if Farm Fresh has gasoline pumps at any of its other locations. **Mr. Kleine** replied that Farm Fresh sells gasoline to its customers at locations in Chesapeake and Virginia Beach.

Mr. Simasek saluted Farm Fresh for the proposed improvements and hoped the shopping center would follow suit.

Mr. Ptasznik reported he had heard comments about inadequate parking at the retail center.

Mr. Kleine responded that despite the loss of parking spaces due to expansion, the improvements should still result in a greater number of parking spaces for the entire lot than the County requires. **Mr. Kleine** anticipated some temporary disruption to the traffic flow during renovation, but reconfiguring the parking field should improve overall traffic flow in the parking lot.

Chair Simasek closed the public hearing.

Mr. Barba moved the adoption of proposed Resolution PC05-3.

PC05-3

On motion of Mr. Barba, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FOUR-PUMP AUTOMOBILE FUEL DISPENSING FACILITY AS PART OF THE FARM FRESH SHOPPING CENTER LOCATED AT 455A MERRIMAC TRAIL (ROUTE 143)

WHEREAS, FF Acquisition, L.L.C. has submitted Application No. UP-655-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of January, 2005 that Application No. UP-655-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2.
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction activities on the site. Said site plan shall be in substantial conformance with the plan titled "Conceptual Site Layout & Landscape Plan of Farm Fresh #321 Gas Pumps," prepared by MSA, P.C. and dated December 1, 2004.
3. The automobile fuel dispensing facility shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the shopping center, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. An employee shall be present on-site at all times while the gas pump facility is in operation and open for business.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
